

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIGNATURE BANK,

Plaintiff,

-against-

AHAVA FOOD CORP. d/b/a NORTH
COUNTRY CHEESE CORP., et al.,

Defendants.

-----x

MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE:

ORDER

08 Civ. 3893 (NRB) (MHD)

RECEIVED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JUN 3 2008
CLERK OF COURT
FEDERAL BUILDING
100 WALL STREET
NEW YORK, NY 10038

6/1/08

The Court having conducted a telephone conference today with counsel for plaintiff and the Ahava-of-California defendants concerning disputes about the production of documents to the plaintiff (counsel for the other defendants having chosen not to participate), it is hereby ordered as follows:

1. The Ahava-of-California defendants produced documents to the plaintiff in New York commencing on May 29, 2008. Although the Bank asserts that some categories of requested documents were not produced, these defendants' counsel represents that his clients have produced to the Bank all responsive documents within their custody or control. Accordingly, at the telephone conference we reiterated the pre-existing obligation of these defendants to produce all such documents by May 29, 2008 and further directed that, in the event that these defendants discovered additional responsive documents before the start of the deposition of their

principal on June 2, 2008, they are to produce all such documents as soon as located. We further specified that if any documents within the custody or control of these defendants are not produced in this fashion, these defendants will be precluded from using them in connection with the pending motion and any resultant hearing. Since plaintiff will be free to question these defendants' principal about these matters at his forthcoming deposition, no further relief is warranted on this point at present.

2. If these defendants wish to seek an expense award in connection with their document production, they are to proceed by formal motion.

3. Consistent with our prior scheduling orders, if plaintiff has failed to notify defendants by the end of today (at midnight) of any contention that there has been an impairment of the physical collateral, then plaintiff will be deemed to have waived any such contention for purposes of the pending motion.

Dated: New York, New York
May 30, 2008

MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Order have been mailed today to:

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